ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT

TO2-0073

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Elgin, Joliet and Eastern Railway Company, hereinafter referred to as the "Company", the County of Lake, hereinafter referred to as the "County", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff investigation that inquiry should be made into the matter of improving public safety at the crossings of the Company's track with public highways known as Cuba Road located in Lake Zurich, and Gilmer Road and Old Mc Henry Road located near Hawthorne Woods, all located in Lake County, Illinois, designated as crossings DOT 260 511B, milepost 22.44; DOT 260 500N, milepost 17.09; and DOT 260 503J, milepost 18.56, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes, and sight distances and all other pertinent data relating to the crossings has been obtained and shown on Exhibits A, A-1 and A-2 attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and

procedures in general.

<u>Section 2</u> The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be:

CUBA ROAD

- a) The Company shall remove the existing automatic flashing light signals and install new automatic flashing light signals and gates with LED signal units, controlled by constant warning time circuitry;
- b) The Company shall install a high type crossing surface. The crossing shall be on the Departments approved list of crossings.

GILMER ROAD

c) The Company shall remove the existing automatic flashing light signals and install new automatic flashing light signals and gates with LED signal units, controlled by constant warning time circuitry;

OLD MC HENRY ROAD

d) The Company shall remove the existing automatic flashing light signals and install new automatic flashing light signals and gates with LED signal units, controlled by existing constant warning time circuitry.

Section 3 The Company has prepared preliminary estimates of cost which are attached as Exhibits B, B-1, B-2 and B-3 to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

<u>Section 5</u> The parties hereto agree that an equitable division of cost for the proposed improvements should be:

CUBA ROAD

- a) The cost to install automatic flashing light signals and gates controlled by constant warning time circuitry, estimated at \$161,347.14, should be allocated whereby the Department utilizing federal funding under TEA-21, should pay 70% of the actual project cost (not to exceed \$112,943.14); the Grade Crossing Protection Fund (Fund) should bear 30% of said project cost (not to exceed \$48,404), with the Company bearing any remaining cost after payment from TEA-21 and the Fund, as well as all future operation and maintenance costs thereof;
- b) The Cost to install the new high type crossing surface estimated at \$ 75,190 should be allocated whereby the Department utilizing federal funding under TEA-21, should pay 50% of the actual project cost; with the Company bearing any remaining cost after payment from TEA-21 as well as all future maintenance costs thereof;

GILMER ROAD

c) The cost to install automatic flashing light signals and gates controlled by constant warning time circuitry, estimated at \$163,725.18, should be allocated whereby the Department utilizing federal funding under TEA-21, should pay 70% of the actual project cost (not to exceed \$114,607.18); the Grade Crossing Protection Fund (Fund) should bear 30% of said project cost (not to exceed \$49,118), with the Company bearing any remaining cost after payment from TEA-21 and the Fund, as well as all future operation and maintenance costs thereof:

OLD MC HENRY ROAD

d) The cost to install automatic flashing light signals and gates estimated at \$59,858.18, should be allocated whereby the Department utilizing federal funding under TEA-21, should pay 70% of the actual project cost (not to exceed \$41,901.18); the Grade Crossing Protection Fund (Fund) should bear 30% of said project cost (not to exceed \$17,957), with the Company bearing any remaining cost after payment from TEA-21 and the Fund, as well as all future operation and maintenance costs thereof;

<u>Section 6</u> Special Provisions: Since federal funding is being utilized for the warning device improvements at the subject crossings, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the warning device improvement at the subject crossings will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, deobligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 1

day of Jour

2002.

Michael E. Stead

Railroad Safety Program Administrator

Attest:

Henry Humphries,

Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 973 concerning improvements at the crossings of the Elgin, Joliet and Eastern Railway Company's track with public highways known as Cuba Road located in Lake Zurich, and Gilmer Road and Old Mc Henry Road located near Hawthorne Woods, all located in Lake County, Illinois, designated as crossings DOT 260 511A, milepost 22.44; DOT 260 500N, milepost 17.09; and DOT 260 503J, milepost 18.56, respectively.

Executed by the Company this 25th day of January 2002.

THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

Bv.

Attest:

Marlyn B Clercott

Illinois Commerce Commission Stipulated Agreement No. 973 concerning improvements at the crossings of the Elgin, Joliet and Eastern Railway Company's track with public highways known as Cuba Road located in Lake Zurich, and Gilmer Road and Old Mc Henry Road located near Hawthorne Woods, all located in Lake County, Illinois, designated as crossings DOT 260 511B, milepost 22.44; DOT 260 500N, milepost 17.09; and DOT 260 503J, milepost 18.56, respectively.

Executed by the County this 17th day of June 2002.

COUNTY OF LAKE

Bv:

RECOMMENDED FOR EXECUTION:

Martin G. Buehler County Engineer

Attest:

Willard R Delander

Illinois Commerce Commission Stipulated Agreement No. 973 concerning improvements at the crossings of the Elgin, Joliet and Eastern Railway Company's track with public highways known as Cuba Road located in Lake Zurich, and Gilmer Road and Old Mc Henry Road located near Hawthorne Woods, all located in Lake County, Illinois, designated as crossings DQT 260-511A) milepost 22.44; DOT 260 500N, milepost 17.09; and DOT 260 503J, milepost 18.56, respectively.

Executed by the Department this 2 day of _

STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION

Director of Highways

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

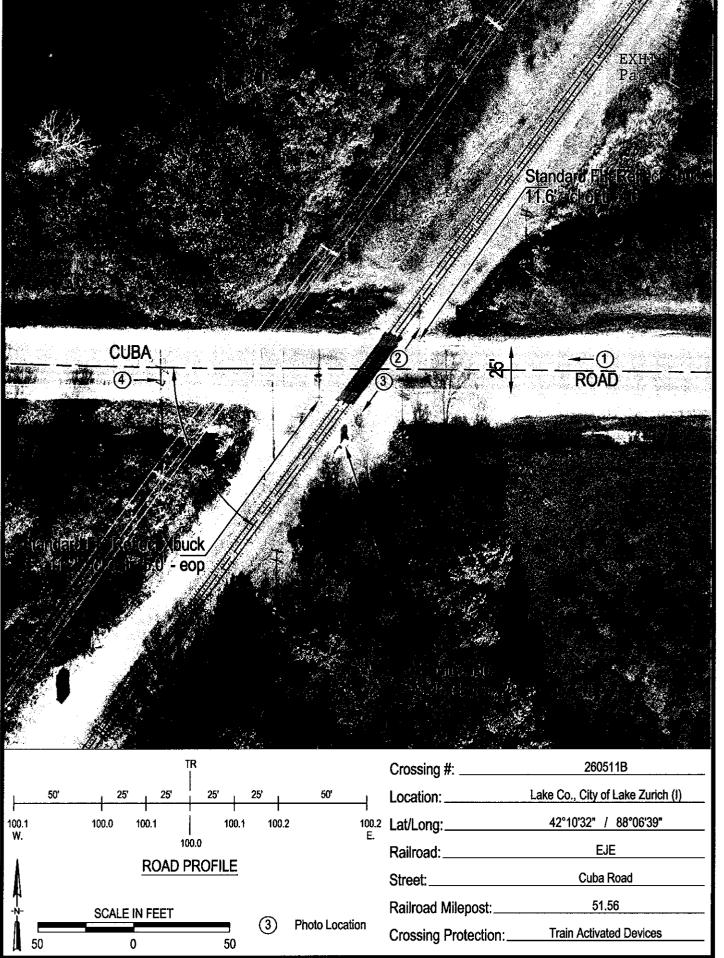
STIPULATED AGREEMENT SURVEY FORM

RR/Line_	EJ&E	_ Milepost	22.44	Inve	entory #	260 511A
City (N)	Lake Zuric	n_Street	Cuba Roa	ad (County	Lake
Jurisdict	tion_County	Urban	Rural_X	X Comme	ccial	Residential_
Street St	urface <u>As</u> p	phalt	_ Width	22 ′	Condi	tion Good
Angle 54°	Tracks Ta	ngent Yes	_Degree	of Curv	eSupe	erelevation
Depth of	Cut			Height	of Fill_	
		Cros	sing Sur	face		
Track Centers	Elevation	Track	Туре	Width	Cc	ondition
		Main 1	Rubber -	42'	×	Good
		-				
		-				
Intersect	ting Roads	100' <u>N</u> o	one		200' _	None
Traffic (Control Dev	ices Prese	ent	Nor	ne	
ADT8,6	600	Speed4	10 mph (1	posted)	_ Statewic	de <u>Yes</u>
Schoolbus	ses6	Hazardo	ous Mate	rials <u> </u>	res (Other
Rail Tra	ffic: Ft	6 @ 45 n	mph Pass	@_	mph S	witch <u>Yes</u>
Simultane	eous Movemen	nts No	**	Dayligh	nt and Da	rk <u>Yes</u>
Present 1	Protection	AFLS				
	44190					
Advance I	Warning Sign	ns ì	7es	Paveme	ent Markiı	ng Yes

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction	
NE	N/A			N/A	
NW	N/A			N/A	
SE	N/A			N/A	
sw	N/A			N/A	
		Approach G	rades		
East West	Meets 92		Adm % Code	_¦ <u>1535</u> %	
WOD C					
	Comments:				
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STATE OF ILLINOIS

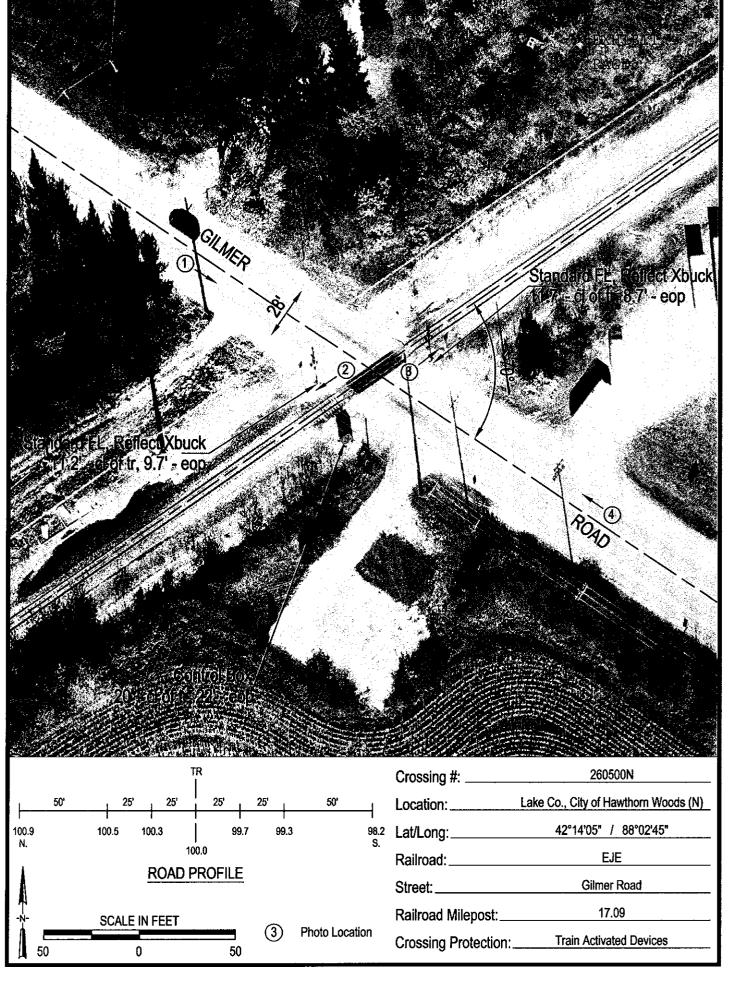
ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT SURVEY FORM

RR/Line	EJ&E	Mil	.epost	17.09	Inventory # 260	500N
City (N) H	authorne Wo	oods Str	eet_Gilm	er Road	County_Lake	
Jurisdicti	on County (Jrban <u>XX</u>	Rural	_ Commer	cial Residen	tial_
Street Sur	face Aspl	na <u>lt</u>	Width_	23′-6″	ConditionF	air_
Angle 70°	_Tracks Tan	gent <u>Ye</u>	s_Degree	of Curv	e <u></u> Supereleva	tion
Depth of C	!ut			Height	of Fill	
		Cros	ssing Su	rface		
Track Centers	Elevation	Track	Туре	Width	Condition	
		Main	Rubber	42′	Fair	
	_					
	-					
Intersecti	ng Roads 1	LOO' Pvt	. Home d	riveways	200' drivewa	ıys
	ntrol Devic				· ——	
ADT15,	850	Speed <u>4</u>	5mph (po	sted)	Statewide	Yes
Schoolbuse	s10	_ Hazard	ous Mate	rials <u>Ye</u>	s Other	
					mph Switch _	
Simultaneo	us Movement	.sN	·o	Dayligh	t and Dark <u>Ye</u>	:s
Present Pr	otection	AFL	S			
Advance Wa	rning Signs	.	Veg	Paveme	nt Marking Y	es

Visibility Study

Quad	Clearing Visibility		Obstruction			V	Stopping Visibility			Obstruction		
NE	N/A					N/A						
NW	N/A	_				N/A	١					
SE	N/A					n/A						
sw	N/A											
							,					
			<u> </u>	Approac	h G	rades						
East	Meets '	92	ૄૺ	Ill	1	Adm.	o% o%	Code	1535	%		
West		11	e	"	'	"	ૄૺૺૺૺ			~~ ~		
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STATE OF ILLINOIS

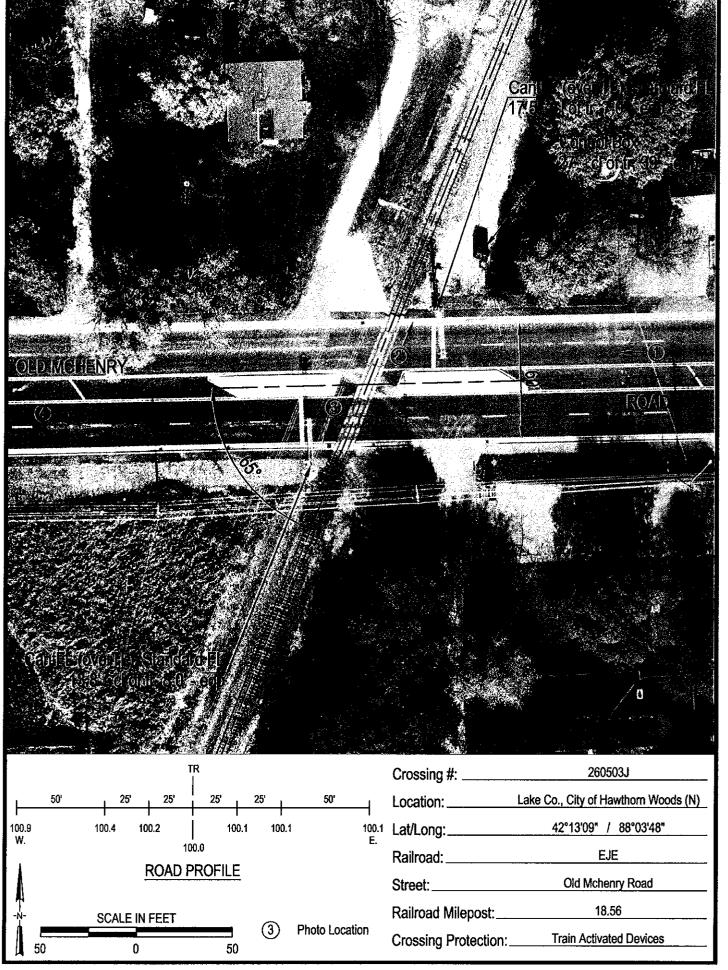
ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT SURVEY FORM

RR/Line	EJ&E	Milepo	st <u>18.56</u>	Invent	ory # <u>260 503J</u>
City (N) H	awthorneW	oods Str	eet <u>Old Mc</u>	Henry Rd.	_County_Lake
Jurisdicti	on County	Urban <u>X</u>	X Rural	Commerci	.al Residential
Street Sur	face As	ohalt	Width	66' - F-	F_Condition_Good
Angle 70°	_Tracks Ta	angent <u>Ye</u>	es Degree o	of Curve_	Superelevation -
Depth of C	ut			Height of	Fill
		Cro	ssing Surf	ace	
Track Centers	Elevation	Track	Type	Width	Condition
		Main	Concrete	68 ′	Good
		-			
-		-			
			· · · · · · · · · · · · · · · · · · ·		
Intersecti	ng Roads	100'	Church Ent	2	00' Pvt.
Traffic Co	ntrol Devi	ices Pres	sent1	None	
ADT 18,	860	Speed	40mph (po	osted) St	atewide <u>Yes</u>
Schoolbuse	s <u> </u>	Hazaro	dous Mater:	ials <u>Po</u>	ss. Other
Rail Traff	ic: Ft	6 @ 45	mph Pass.	@	mph Switch Yes
Simultaneo	us Movemer	ntsN) I	Daylight	and Dark <u>Yes</u>
Present Pre	otection		AFLS		
					· Void (8)
Advance War	rning Sigr	1s	Yes	Pavement	MarkingYes

Visibility Study

Quad	Clearing Visibility	Clearing Visibility Obstruction		Obstruction		
NE	N/A		N/A			
NW	N/A		N/A			
SE	N/A		N/A			
SW	N/A		N/A	 		
						
		Approach Gr	rades			
East	Meets ' 92	% Ill.'	Adm. % Code	ا 1535 %		
West			" % "	" %		
	Comments:					
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		17				



DETAILED ESTIMATE

Name of Carrier:

Date:

Page 1 of 2

Elgin, Joliet & Eastern Railway Company

27-Nov-01

Description and Location of Project:

Install New Predictor Crossing Protection System and Add Gates at the Cuba Road Crossing, Lake Zurich, Lake County, Illinois- EJ&E Western Subdivision

AAR/DOT#:

Milepost:

Location:

260 611B

51.56

Cuba Road Crossing

200 8118	J (, ,	31.30		Cuba Road Crossing		
Description	Unit	# of Units	Unit Cost	Material Cost	Labor	Total
ATERIAL:		- · · · · · · · · · · · · · · · · · · ·				
ossing Protection System Complete-To clude HXP Predictor, Gates, LED Flashing this, Solid State Crossing Controls, largers, Batteries, Electronic Bells, Data corder, Remote Crossing Monitoring System ingalow, Foundations & Associated indware:	Lot	1	85,000.00	85,000.00		
al Cable 2/C #6 AWG Twist Track Wire	Ft.	1000	1.25	1,250.00		
nal Cable 7/C #6 AWG - Gate	Ft,	500	5.60	2,800.00		÷
nal Cable 5/C #9 AWG - Gate	Ft.	500	5.00	2,500.00		•
wer Cable 2/C #6 AWG	Ft.	250	5.00	1,250.00		
er Miscellaneous Material	Lot	1	1,000.00	1,000.00		
Material Sub Handling (otal:		93,800.00 4,690.00 <u>98,490.00</u>		98,490.00
BOR:						
nalman	MH	1000	19.56		19,560.00	
nal Foreman	мн	120	19.56		2,347,20	
E Lineman	мн	50	19.56		978.00	
gineering and Accounting	lot	1	2,500.00		2,500.00	

Page 2 Cuba Road Estimate 27-Nov-01

OTHER:

Equipment Cast

lot

Lot

1

15,210.00

15,210.00

(Based on Total Hours)

Underground Condult Bore

5,000.00

5,000.00

Other Total:

20,210.00

20,210.00

Net Project Expenditure:

161,347.14

Figured By: J. Jevtovic Checked By: T. W. Hunter

DETAILED ESTIMATE

Name of Carrier:

Elgin, Joliet & Eastern Railway Company

Date:

Page 1 of 2

27-Nov-01

Description and Location of Project:

Install New Predictor Crossing Protection System and Add Gates at the Gilmer Road Crossing, Hawthorne Woods, Lake County, Illinois- EJ&E Western Subdivision

AAR/DOT#:

Milepost:

56.91 260 500N

Gilmer Road Crossing

Description		Unit	# of Units	Unit Cost	Material Cost	Labor	Total
MATERIAL:					•		
Crossing Protection System Com Include HXP Predictor, Gates, LE Lights, Solid State Crossing Cont Chargers, Batteries, Electronic Bu Recorder, Remote Crossing Mon Bungalow, Foundations & Associ Hardware	D Flashing rols, elis, Data itoring System,	Lot	1	85,000.00	85,000.00		
Signal Cable 2/C #6 AWG Twist	Trạck Wire	Ft.	1000	1.25	1,250.00		
Signal Cable 7/C #6 AWG - Gate		Ft.	500	5.60	2,800.00		- *
Signal Cable 5/C #9 AWG - Gate		Ft.	500	5.00	2,500.00		
Power Cable 2/C #6 AWG		Ft.	250	5.00	1,250.00		
Electrical Service Materials		Lot	1	1,500.00	1,500.00		
Other Miscellaneous Material		Lot	1	1,000.00	1,000.00		
·	Material Subtota Handling (%)	•	<u>al:</u>		95,300.00 4,765.00 100,065.00		100,065,00
LABOR;						÷	
Signalman		MH	1000	19,56		19,560.00	
Signal Foreman		мн	120	19.56		2,347.20	
C&E Lineman		MH	100	19.56		1,958.00	
Engineering and Accounting		lat	1	2,000,00		2,000,00	
	Labor Subtotal Add Fringe (%)		<u>:</u>			25,863.20 17,586.98 43,450.18	43,450.18

Page 2 Gilmer Road Estimate 27-Nov-01

OTHER:

Equipment Cost

iot

1

15,210.00

15,210.00

(Based on Total Hours)

Underground Conduit Bore

Lot

1

5,000.00

5,000.00

Other Total:

20,210,00

20,210.00

Net Project Expenditure:

163,725.18

Figured By: J. Jevtovic Checked By: T. W. Hunter

DETAILED ESTIMATE

Name of Carrier:

Date:

Page 1 of 2

Elgin, Joliet & Eastern Railway Company

27-Nov-01

Description and Location of Project:

Add Gates to the Existing Crossing Protection System at the Old McHenry Road Crossing, AAR DOT # 260 503J, Milepost 55.44, Hawthorne Woods, Illinois

AAR/DOT#:

Milepost:

Location:

260 503J

55.44 WSD

Old Mchenry Road

Description	Unit	# of Units	Unit Cost	Material Cost	Labor	Total	
MATERIAL:	· · · · · · · · · · · · · · · · · · ·						
Two Complete Gate Mechanism Assemblies To Include Gate Mechanisms, Gate Masts, LED Flashing Ughts, Bells and Foundations	Lot	Z	9,500.00	19,000.00			
Railway Company EZ Gate Arms	Each	2	600.00	1,200.00			
Solid State Crossing Controls (VLG-1 & XLC-2)	Lot	1	4,500.00	4,500.00			
Cragg Charger- 40 Amp	Each	1	750.00	750.00			
Batteries 320 AH	Each	7	250.00	1,750.00			
Signal Gate Cable 7/C #6 AWG	Ft.	500	5.60	2,800.00		•	
Signal Gate Cable 7/C #9 AWG	Ft.	500	4.60	2,300.00			
Other Miscellaneous Material	Lot	1	1,000.00	1,000.00			
Material S Handling		otal:		33,300.00 1,665.00 <u>34,965.00</u>		34,965.00	
LABOR:							
Signalman	мн	400	19.56		7,824.00		
Signal Foreman	МН	80	19,56		1,564.80		
Engineering and Accounting	lot	1	2,000.00		2,000.00		
Labor St Add Fr		<u>∌l:</u>			11,380.80 .7,744.38 <u>19,133.18</u>		

19,133.18

Page 2 Old McHenry Road 27-Nov-01

OTHER:

Equipment Cost

(Based on Total Hours)

ipt

5,760.00

5,760.00

5,760.00

V(t, y)

Net Project Expenditure:

59,858.18

Figured By: J. Jevtovic Checked By: T. W. Hunter

Cuba Road Renewal Estimate DOT/AAR 260 511B

Lohor	Units/Hour	Unit/Cost	Cost	Total
<u>Labor</u> Track Foreman	54	\$ 20.24	\$ 1,092.96	-
RMO	80	\$ 18.93	\$ 1,514.40	
Track Labor	190	\$ 16.96	\$ 3,222.40	
Crane Operator	120	\$ 19.66	\$ 2,359.20	
B&B Foreman	60	\$ 20.24	\$ 1,214.40	
B&B Carpenter	220	\$ 18,85	\$ 4,147.00	
Signal Maintaner	30	\$ 20.25	\$ 607.50	
Welder Foreman	24	\$ 20.24	\$ 485.76	
Welder	24	\$ 18.65	\$ 447.60	
Sub-Total	A-7	* *******	\$15,091.22	
Labor Additive @ 7	1 23%		\$10,764.57	
Per Diem for 20 day			\$ 700.00	
Let Digit in Ta del	o fas don.		4 14-1	\$ 26,555.79
				,,
<u>Material</u>	<u>Units</u>	<u>Unit/Cost</u>	Cost	
Boutet Kits	4	\$ 125.00	\$ 5 00 .00	
Rail 136#	160	\$ 14.50	\$ 2,320.00	
Switch Ties 9'	53	\$ 36.00	\$ 1,908.00	
Pandrol Plates	80	\$ 14,00	\$ 1,120. 00	
Tie Plates	26	\$ 5.20	\$ 135,20	
132/136 Offsets	4	\$ 150,00	\$ 600,00	
Ballast/ Granite	150	\$ 13.50	\$ 2,02 5 ,00	
Rubber Crossing	42	\$ 175.00	\$ 7,350.00	
Misc. Material/Black	cto 1	\$4,000.00	\$ 4,000.00	
Sub-Total			\$19,958,20	
Material Additive @	15%		\$ 2,993.73	
Sub-Total			\$22,951.93	
Sales Tax @ 6.2%			\$ 1,423,02	
Estimated Material				\$ 24,374.95
	d a da dem	W. E. W. C. C.	 .	
<u>Equipment</u>	<u>Units/Day</u>	Unit/Cost	<u>Cost</u>	
Payloader	5	\$ 350.00	\$ 1,750.00	
Crane	3	\$1,200.00	\$ 3,600.00	
Dump Truck	5	\$ 75.00	\$ 375.00	
Tamper	2	\$1,123.00	\$ 2,246.00	
Ballast Regulator	2	\$ 532.00	\$ 1,064.00	
Gang Truck	10	\$ 75.00	\$ 750.00	
Air Compressor		\$ 80.00	\$ 400,00	
Total Estimated Eq	uipment			\$ 10,185.00
Signage Contractor				\$ 6,000.00
Contingencies @+/-				\$ 8,074.00
· -				·
Total Estimated Co.	st			\$ 75,190.00